

Frequently Asked Questions About Enrollment Option

What is the Enrollment Option Program?

The enrollment option program was established to enable any kindergarten through twelfth grade Nebraska student to attend a school in a Nebraska public school district in which the student does not reside, subject to certain limitations.

Where can I find the Enrollment Option laws?

The laws governing the Enrollment Option Program can be found in Nebraska State Statutes 79-232 to 79-246, which can be downloaded from the Nebraska Unicameral website at:

<http://uniweb.legislature.ne.gov/laws/laws.php>

Where can I find the Rules and Regulations regarding school enrollment?

The Rules and Regulations regarding school enrollment can be found in the Nebraska Department of Education Rule 19, “Regulations Regarding School Enrollment,” which can be downloaded from the Department of Education’s website at: http://www.education.ne.gov/LEGAL/webrulespdf/Clean19_2010.pdf

What is an Option School District?

An option school district is the public school district that a student chooses to attend other than his or her resident school district.

What is an Option Student?

An option student is a student that has chosen to attend an option school district, including a student who resides in a learning community and who has chosen to attend an option school district in such learning community prior to the effective date of the establishment of such learning community, but not including a student who resides in a learning community and who enrolls in another school district in such learning community.

What is a Resident School District?

The Enrollment Option statutes define a resident school district as the public school district “in which a student resides, or the school district in which the student is admitted as a resident of the school district pursuant to section 79-215.

Where can we locate the district name and the district number (for Section 1) for the resident or option district?

This information may be found on the Department of Education's Directory Search webpage located at http://www.education.ne.gov/DataServices/Education_Directory.html. Click on "Quick Lists" button. On the next page (**Quick Lists of Directory Information**), scroll down to ♦PUBLIC DISTRICT AND SCHOOL INFORMATION. Click on the "sorted by county/district number" link to access the list of public school districts. The district name and district number will be referred to as "agency ID".

How many times may a student use the Enrollment Option Program?

The option is available only once to each student prior to graduation unless (a) the student relocates to a different resident school district, (b) the option school district merges with another district, (c) the option school district is a Class 1 district, (d) the option would allow the student to continue current enrollment in a school district, or (e) the option would allow the student to enroll in a school district in which the student was previously enrolled as a resident student.

Are option students treated as resident students of the Option school district?

Yes. Except for purposes of requiring school-provided transportation addressed later, option students are treated as resident students of the option school district "for purposes of all duties, entitlements and rights established by law." The option student may request a particular school building, but the building assignment of the option student is determined by the option school district.

Can option students play on sports teams for the option district and participate in other extra-curricular activities?

Yes. In 2003, the Legislature added a clause to the Enrollment Option laws that states, "In determining eligibility for extra-curricular activities...the option student shall be treated similarly to other students who transfer into the school from another public, private, denominational, or parochial school." For more information, parents/guardians may wish to contact the Nebraska School Activities Association in Lincoln (402) 489-0386 in regard to interscholastic activities and competitions in grade 9 and beyond.

What is the procedure to apply for the Enrollment Option Program?

Parents or legal guardians must submit an application to the school board of the option school district between September 1 and March 15 for enrollment during the following and subsequent school years. Applications submitted after March 15 must be accompanied by a release approval from the resident school district on the application form. The Enrollment Option Application form contains a section for the resident district to complete to provide this release.

Who is the legal guardian of a ward of the state?

Usually, unless specified otherwise by a court, the Nebraska Department of Health & Human Services serves as the legal guardian. Court orders and letters of guardianship normally specify this.

When does the Option School District notify the Resident School District of the Enrollment Option Application?

For all applications submitted by the March 15 deadline, the option school district must provide the resident school district with the name of the applicant on or before April 1, or in the case of applications submitted after March 15, within sixty days after submission.

When does the Option School District notify the parent or legal guardian that the Enrollment Option Application has been accepted or denied?

For all applications submitted by the March 15 deadline, the option school district must notify, in writing, the parent or legal guardian of the student, the resident school district, and the State Department of Education whether the application is approved or denied on or before April 1, or in the case of applications submitted after March 15, within sixty days after submission.

Can an Enrollment Option Application be withdrawn?

Applications for students who do not actually attend the option school district may be withdrawn in good standing upon mutual agreement by both the resident and option school districts.

How long must the Option Student attend the Option School District?

Until graduation and in no case less than one year unless:

- The student relocates to a different resident school district;
- Completes requirements for graduation prior to the end of his or her senior year;
- Transfers to a private or parochial school; or
- Upon mutual agreement of the resident and option school districts, (if less than one year in attendance at the option district), cancels the enrollment option and returns to the resident school district.

The student can return to the resident district at their own choice at any time after attendance for one year at the option district.

Can an Option Student return to the Option School District after attending a private or parochial school?

An option student who subsequently chooses to attend a private or parochial school shall be automatically accepted to return to either the resident school district or the option school district upon the completion of the grade levels offered at the private or parochial school. Exempt (home) schools that children attend in accordance with the requirements of state law and regulations are considered private school(s).

If the student chooses to return to the option school district, the student's parent or legal guardian must submit another application to the school board of the option school district which shall be automatically approved, and the application deadlines are waived.

Do school boards have standards for approving and denying Enrollment Option Applications?

School boards must adopt by resolution specific standards for approval and denial of applications to option into their districts. Standards may include the capacity of a program, class, grade level, or school building, based upon available staff, facilities, projected enrollment of resident students, projected number of students the option district will contract based on existing contractual arrangements, and availability of appropriate special education programs. The school board of the option school district may by resolution declare a program, a class, or a school unavailable to option students if the district is at capacity. Standards shall not include previous academic achievement, athletic or other extracurricular ability, disabilities, proficiency in the English language, or previous disciplinary proceedings (except where a student was expelled from a district and has not completed the terms of the expulsion). Resident districts also must have adopted standards for release of students that file late applications.

Does the school district's board of education need to vote to approve or deny an application for Enrollment Option?

No. The school board or board of education is required to adopt by resolution specific policies for approval and denial of applications. Once the policies have been established, there is no need for the board to vote on approval or denial for each application. Instead, the local district board can authorize a district official, such as the superintendent, to act on applications in accordance with the policy. The authorized district administrator should apply the school board's policies to all applications.

Are the applications of siblings of Option Students automatically approved?

No. Their applications are considered to be separate, however, option school districts must give first priority for enrollment of siblings of option students, except that the option school district shall not be required to approve the sibling of an option student if the district is at capacity. Please note that enrollment option applications for siblings **must** include the signature of the authorized official of the option district. The signature of the authorized official from the resident school district **must** be included if the application for option enrollment is submitted after the March 15 deadline.

What can we do if the Enrollment Option Application is denied?

If an application is denied by the option school district or by the resident school district, the denying school district shall state in the notification the reason for the denial. The parent or legal guardian may appeal a denial to the State Board of Education within thirty days after the date the notification of the denial was received. A sample petition form for this appeal can be found in Appendix A of the Department's Rule 61 <http://www.education.ne.gov/LEGAL/webrulespdf/RULE61.pdf>

Can the Resident District refuse a deadline waiver for a student if the Option District will accept the student?

Yes. Waiver of deadlines is governed by policy of the district board of education and by the preceding actions of the district(s).

Can the deadline for application of Enrollment Option be waived?

Yes.

When a student's family moves out of the Resident District, can the student use Enrollment Option to continue attending the original Resident District?

If the student attended the original resident district for the immediately preceding two full school years, the application is automatically approved regardless of deadlines and capacity limitations. A school district may also allow a student whose residency in the district ceases during the school year to continue attending for the remainder of the school year, even without applying to option enroll.

When an Option Student's family moves out of the original Resident District, can the Option Student continue the enrollment option in the original Option School District?

The application of an option student who relocates in a different school district but wants to continue attending the option school district is automatically accepted regardless of deadlines and capacity limitations.

Is the Option School District responsible for providing transportation?

The parent or legal guardian of the option student is solely responsible for required transportation, subject to the following: Option students whose family income would qualify them for free lunch benefits qualify for transportation reimbursement, at a rate provided by state law (79-241 R.R.S.). Also, a school district may, upon mutual agreement with the parent or legal guardian of an option student, provide transportation to the option student on the same basis as provided for resident students. The school district may charge the parents of each option student transported a fee sufficient to recover additional costs of such transportation.

What is the Enrollment Option Transportation Reimbursement formula?

The formula is 142.5% of the state mileage rate multiplied by one-way mileage minus three miles. Reimbursement is for each family for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence to the schoolhouse exceeds three miles.

Reimbursement formula effective prior to January 1, 2011:

$$1.425 \times .50 = .7125$$

Reimbursement formula effective January 1, 2011:

$$1.425 \times .51 = .7268$$

What school district does the Option Student graduate from?

An option school district must accept credits toward graduation that were awarded by another school district. The option school district shall award a diploma to an option student if the student meets the school district's graduation requirements.

The information in this document is current as of June 1, 2011.

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